

**GOVERNMENT OF ANDHRA PRADESH**

**ABSTRACT**

Public Service – Agriculture & Cooperation Department – Allegation of misappropriation of Government money by improper maintenance of accounts and violating financial norms, during the period from 1-5-1976 to 31-3-1982 against Sri R.Shankar, while working as Accountant in DRDA, Nizamabad on deputation now retired as Superintendent O/o. JDA, Sangareddy - Disciplinary action initiated – Inquiry conducted – Final orders issued.

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**AGRICULTURE AND COOPERATION (VIG.I) DEPARTMENT**

G.O.Ms.No. 286

Dated : 01-11-2010

Read the following:

1. Charge Memo. No.Vig.III(2)/213/92, dated 25-6-2001 of the C&DA, Hyd.
2. From Sri R.Shankar, Ex-Accountant of DRDA, Nizamabad retired as Superintendent O/o. JDA, Sangareddy w.s.d. dated 9-7-2001.
3. Memo. No.Vig.III(2)/213/92-1, dated 22-1-2002 of he C&DA, Hyd.
4. From the C&DA, Hyd Lr.No.Vig.III(2)213/92, dated 24-5-2004.
5. C&DA, AP., Hyderabad Memo.No. Vig.III(2)213/92, dt. 11.02.2009.
6. From the C&DA, Hyderabad Lr.No. Vig.III(2)213/92, dated 17-11-2009 along with Lr.No. Estt.(1)327/01, dated 13-11-2009 of the DDA(Trg) & I.O. O/o. JDA, Nizamabad (Inquiry Report).
7. Govt.Memo.No.7091/Vig.I-2/2004-16, dated 18-11-2009.
8. From Sri R.Shankar, Ex-Accountant of DRDA, Nizamabad retired as Supdt O/o. JDA, Sangareddy written representation dated 25-2-2010.
9. From the Project Director, DRDA, Nizamabad Lr.No. RD2/18/ 1998, dated 17.4.2010.
10. Govt.Memo.No. 7091/Vig.I.2/2004-21, dated 7.5.2010.
11. From Sri R.Shankar, Ex-Accountant of DRDA, Nizamabad retired as Supdt O/o. JDA, Sangareddy written representation dt: 18-6-2010 / 06.08.2010.
12. From the APPSC , Hyderabad Lr.No. 1339/RT-I/1/2010,dt: 13.10.2010

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**ORDER:**

In the reference first read above, a disciplinary case was initiated against Sri R.Shankar, Ex-Accountant of DRDA/Superintendent, O/o Joint Director of Agriculture, Nizamabad for misappropriating Rs.16,80,308/- by improper maintenance of accounts and violating financial norms, during the period from 1-5-1976 to 31-3-1982 while working as Senior Accountant on deputation with DRDA. The CBCID filed a case against the Charged Officer before Judicial First Class Magistrate, Nizamabad which was acquitted by the Court. Consequently, the Accused Officer was reinstated into service without prejudice to departmental action. An appeal was filed by the Commissioner & Director of Agriculture, Hyd. before Hon'ble High Court of A.P. against the acquittal orders but the appeal was dismissed.

2. In the reference third read above, departmental action was initiated against Sri R.Shankar, Ex-Accountant of DRDA/Superintendent, O/o JDA, Nizamabad by the C&DA., Hyd by appointing the Deputy Director of Agriculture(Trg), O/o: JDA, Nizamabad as Inquiry Officer . The Inquiry Officer had reported that the original records were not available at DRDA., Nizamabad and rebuilt records were also not available with them; and the enquiry records were available with CBCID for that he could not conduct the enquiry in the matter. Since, the individual retired from service on 30.6.2001, the matter was referred to Government.

3. The Hon'ble A.P. Administrative Tribunal allowed the petition filed by Shri R.Shankar, Ex-Accountant and issued orders dated: 14-7-2004 in O.A.No. 1652/2000 that to treat the suspension period of the applicant as regularized and basing on that he should be given regular promotion over and above his immediate juniors who were promoted and to give notional benefits and monetary benefits. When the matter stood thus, the individual has filed contempt application vide C.A. No.280/05 in OA No.1652/2000 in which the Hon'ble APAT has issued notice.

4. Govt. have filed W.P.No:16927/2005 against the judgement of the Hon'ble APAT in OA No.1652/2000. The Hon'ble High Court had given a direction to complete the inquiry within a period of four months from the date of Judgment delivered and with regards certain benefits as directed by the Hon'ble APAT, it is needless to mention that the same would be subject to the ultimate decision taken in the said inquiry accordingly the W.P. was disposed off.

5. In the reference 5<sup>th</sup> read above, the Commissioner & Director of Agriculture, AP., Hyderabad has appointed the Inquiry Officer to conduct inquiry against Sri R.Shankar, Ex-Accountant and the Inquiry Officer has conducted inquiry and in the reference 6<sup>th</sup> read above, the Inquiry Officer has submitted his Inquiry Report. In the reference 7<sup>th</sup> read above, after examining the Inquiry report the same was communicated to the Charged Officer for his representation, if any, on the findings of the Inquiry Officer. In the reference 8<sup>th</sup> read above, the Charged Officer has

submitted his representation and requested to issue early orders as per the directions given by the Hon'ble APAT, Hyderabad in the judgement dt. 14-7-2004 in O.A.No. 2652 of 2000 and Hon'ble High Court of A.P. in judgement dated 11-3-1997 in C.C.No. 606. While enclosing a copy of the Inquiry officer's report on the findings of the Inquiry Officer and the representation of Sri R.Shankar, Ex- Accountant of DRDA Nizamabad, the PD, DRDA, Nizamabad was requested to submit his remarks and also to inform the status of the audit objections and how much amount has been finally misappropriated by the Charged Officer.

6. In the reference 9<sup>th</sup> read above, the Project Director, DRDA, Nizamabad has reported that the old record was not found. The Inquiry Officer's submitted detailed report through Ref. No.Vig.111(2) 213/92, Dated: 17.11.2009 is comprehensive and self contained. The charges leveled against the Accused Officer are held proved and an amount of Rs.16,80,308/- was misappropriated as pointed out by the Inquiry Officer.

7. In the reference 10<sup>th</sup> read above, Government have provisionally decided to impose a punishment of withholding of entire pension permanently, against Sri R.Shankar, Ex-Accountant of District Rural Development Agency, Nizamabad now retired as Superintendent office of the Joint Director of Agriculture, Sangareddy under Rule 9 of A.P. Revised Pension Rules, 1980, besides recovery of an amount of Rs.16,80,308/- for the charges held proved and directed the Charged Officer to show cause why the said penalty should not be imposed against him within 15 days from the date of receipt of the .Show cause Notice.

8. In the reference 11<sup>th</sup> read above, the Charged Officer has submitted his explanation to the Show Cause Notice wherein he has stated that the enquiry is totally illegal and same cannot stand in the eye of law as the same was conducted without verifying the original records and without following rules and procedure prescribed there under and held charges are proved and requested to consider the above explanation and drop further action in the matter and to direct the concerned authority to release his full pension and all the pension benefits.

9. Government have carefully examined the representation of the Charged Officer with reference to the records available, and observed that the reply to the show cause notice submitted by the Charged Officer is not convincing. Hence, the representation does not contain new or substantive points and decided to confirm the proposed penalty to impose a punishment of withholding of entire pension permanently, besides recovery of misappropriated amount of Rs. 16,80,308/- against Sri R.Shankar, Ex-Accountant of District Rural Development Agency, Nizamabad now retired as Superintendent office of the Joint Director of Agriculture, Sangareddy under Rule 9 of A.P. Revised Pension Rules, 1980.

10. In the reference 12<sup>th</sup> read above, the APPSC , Hyderabad has given their concurrence for the proposed punishment of withholding of entire pension permanently, besides recovery of amount of Rs. 16,80,308/- against the Charged Officer and advised accordingly.

11. Accordingly, Government after careful examination of the matter hereby order to impose a punishment of withholding of entire pension permanently, besides recovery of amount of Rs. 16,80,308/- against Sri R.Shankar, Ex-Accountant of District Rural Development Agency, Nizamabad now retired as Superintendent office of the Joint Director of Agriculture, Sangareddy under Rule 9 of A.P. Revised Pension Rules, 1980. The original Service Register of the individual in bounded register is returned herewith.

12. The Commissioner & Director of Agriculture , AP., Hyderabad shall take necessary action accordingly.

( BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH )

RACHEL CHATTERJEE,  
SPECIAL CHIEF SECRETARY TO GOVERNMENT.

To

Sri R.Shankar, Ex-Accountant of District Rural Development Agency, Nizamabad now retired as Superintendent office of the Joint Director of Agriculture, Sangareddy (Through Commissioner & Director of Agriculture, A.P., Hyderabad.)

The Commissioner & Director of Agriculture, Hyderabad( Original Service Register.

Copy to:-The Secretary, APPSC, Hyderabad.

The Secretary to V.C., A.P. Vigilance Commission, Hyderabad

The Accountant General, A.P. Hyderabad.

Sf/Sc.

// FORWARDED:: BY ORDER //

SECTION OFFICER.